

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-13 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-13 will be pending for further consideration and examination in the application.

REJECTION UNDER 35 USC '102

The 35 USC '102 rejection of claims 1-13 as being anticipated by Gershman et al. (U.S. Patent 6,401,085) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are

respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks supplied from Applicant's foreign representative.

One inventive feature of Applicant's present invention is that a presence management apparatus (1) comprises:

matching condition registration means (15) for registering a matching condition (303) for another user's presence including the first user's presence received from the first apparatus (2) and designated by the first user (an end user) and a matching condition (303) for another user's presence including the second user's presence received from the second apparatus (7) and designated by the second user (provider); and

matching decision means (13,14) of bidirectional matching decision between the first and second users (2, 7) for deciding if the updated first user's presence matches the matching condition designated by the second user and if the second user's presence matches the registered matching condition designated by the first user (S803-S804 in Fig. 8), and as a result of that the matching condition registration means performs matching condition registration processing or the presence update means performs presence update processing for the first user.

Fig. 3A shows a user table (30) in which the matching condition (303) for end users (user-a and user-b as the first user) and another matching condition (303) for a provider (company-x as the second user). The end users can register their own matching conditions and the provider also can register the his or her own matching condition in the user table (30). The flow chart shown in Fig. 8, shows the bidirectional matching decision process is made such that it is determined if the presence of the end user (the first user) matches with the matching condition

designated by the provider (the second user) and the same time the presence of the provider matches with the matching condition designated by the end user. The matching conditions for the end users and the provider are updated and best items or information necessary for the end users and the provider can be always presented.

The cited Gershman reference does not teach the above-mentioned features of the present invention. Gershman discloses in column 62, lines 47-58 that the system suggests items (by displaying) of interest for sale in the stores currently closest to the shoppers as one strolls through the mall. The items of interest for sale in the stores corresponds to the matching condition for the provider (the second user) designated by the provider. Gershman does not disclose a matching condition for another user's presence including the first user's presence received from the first apparatus (a provider) and designated by the first user (an end user). That is, Gershman does not disclose matching conditions for the shoppers designated by the shoppers. The shoppers cannot designate or register their matching conditions or items in such system. The system only makes one-way matching decision process that the system selects and shows items based on the matching condition set by the stores (not by shoppers).

Accordingly, Gershman does not teach Applicant's bidirectional matching process. Gershman does not disclose the matching decision means similar to the present invention. In column 43, lines 22-48 and Fig. 16 of Gershman, the system searches the users to find out a user whose profile is the closest to the profile 1340 of the user who have requested a product report. This profile is a static attribute for

the user but is not updated by the user. The profile is not the matching condition of the first user.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '102 anticipatory-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to

any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.43554X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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